



MINUTES OF THE REGULAR MEETING  
OF THE PLANNING COMMISSION  
CITY COMMISSION CHAMBERS, CITY HALL  
THURSDAY, MARCH 21, 2013 4:30 P.M.

The Planning Commission of the City of Leesburg held its regular meeting Thursday, March 21, 2013, in the Commission Chambers at City Hall. Chairman James Argento called the meeting to order at 4:30 p.m. The following Commission members were present:

James Argento  
Clell Coleman  
Agnes Berry  
Donald Lukich  
Charles Townsend  
Frazier J. Marshall  
Ted Bowersox

City staff that was present included Bill Wiley, Community Development Director, Dan Miller, Senior Planner, and Dianne Pacewicz, Administrative Assistant II. City Attorney Fred Morrison was also present.

The meeting opened with an invocation given by Commissioner Agnes Berry and the Pledge of Allegiance to the Flag.

Bill Wiley, Community Development Director, informed the audience of the rules of participation and the need to sign the speaker's registry. He also informed Commissioners and the audience of the City Commission meeting dates tentatively scheduled.

Dianne Pacewicz swore in staff as well as anyone wishing to speak.

**MINUTES OF PLANNING & ZONING COMMISSION MEETING FOR FEBRUARY 21, 2013.**

**Commissioner Donald Lukich moved to APPROVE the minutes from the February 21, 2013 meeting. Commissioner Clell Coleman SECONDED the motion, which was PASSED by a vote of 5 to 0. Commissioner Charles Townsend abstained from voting as he was not at last month's meeting.**

Frazier J. Marshall arrived to the meeting at 4:40pm.

**NEW BUSINESS**

**1. PUBLIC HEARING CASE # PUD-13-13 – B & B RANCH – PLANNED DEVELOPMENTS REZONING APPLICATION**

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, AMENDING AN EXISTING PUD (PLANNED UNIT DEVELOPMENT) TO CHANGE THE PERMITTED USES ON APPROXIMATELY 76 +/- ACRES FOR A PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF COUNTY ROAD 48, APPROXIMATELY 0.6 MILES NORTH OF AUSTIN MERRITT ROAD AS LEGALLY DESCRIBED IN SECTION 32, TOWNSHIP 20, RANGE 24, LAKE

COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. (CITY COMMISSION DATES - 1<sup>st</sup> READING ON APRIL 8<sup>TH</sup>, 2013 AND A 2<sup>ND</sup> READING ON APRIL 22<sup>ND</sup>, 2013)

Bill Wiley entered the exhibits into record. Dan Miller presented the exhibits. The exhibit items included the staff summary, departmental review summary, staff recommendations, general location/aerial map, land use and zoning maps, wetlands and flood zone map, site photos, and conceptual site plan.

There were no substantive comments received from the departments. There was one public response received for approval and four responses were received for disapproval.

The Planning & Zoning staff recommended the approval of the request for the following reasons:

1. The proposed zoning district of PUD (Planned Unit Development) is compatible with adjacent properties with the conditions proposed by staff. This request does not appear to create a detriment to the surrounding properties.
2. The proposed zoning district of PUD (Planned Unit Development) as conditioned and shown in the attached "Exhibit A" is compatible with the existing City Future Land Use designation of Neighborhood Mixed Use.
3. The rezoning of the subject properties is consistent with the City's Growth Management Plan, Future Land Use Element, Goal I, and Objective 1.6.

with the following condition(s):

1. Vote to approve the proposed City PUD (Planned Unit Development) zoning, attached hereto as Exhibit A, and forward to the City Commission for consideration.

Bill Wiley highlighted the following in the SPUD conditions to expedite:

3. LAND USES

The above-described property shall be used for PUD (Planned Unit Development) uses as limited herein, for the PUD District per Sec. 25-284 District Use Regulations pursuant to City of Leesburg development codes and standards.

A. Uses

- 1) Uses shall be those listed as permitted uses in this document and shall occupy the approximate area as shown on the Conceptual Plan (See Exhibit C).
- 2) Permitted Uses shall be as follows:
  - a. agriculture
  - b. residential development maximum gross density not to exceed three units per acre at R-3 Residential development standards
  - c. personal moto-cross training track for maximum of three riders and training shall be limited as per the attached schedule Exhibit D.
- 3) Uses prohibited shall be as follows:
  - a. All other uses not specifically permitted by reference herein including a commercial moto-cross track whether open to the public or not.

B. Area

The impervious surface coverage for this site shall not exceed seventy (70) percent of the gross site area.

C. Open Space

A minimum of thirty (30) percent of the site shall be developed as open space, including retention areas, buffer and landscaped areas. Parking areas and vehicle access areas shall not be

considered in calculating open space.

4. SITE ACCESS

- A. Access to the property is currently available from the adjacent County Road 48. With respect to the existing access point, if additional access is requested, approval shall be subject to the City of Leesburg Planned Development process.

5. WETLANDS

- A. There appears to be no wetlands on the property. However, should wetlands exist on the site, the Permittee shall comply with the following requirements. Prior to disturbance or development of any wetland area, the Permittee shall submit and receive approval from all affected governmental agencies to include, but not limited to, St. John's River Water Management District and the State of Florida Department of Environmental Regulation. Any notice of violation from any affected agency shall be cause for a cease and desist order on permits issued by the City of Leesburg until such time as the violation has been resolved with the appropriate agency(s).

6. DRAINAGE AND UTILITIES

- A. Prior to any development of the property the Permittee shall submit, if applicable, a Master Site Drainage Plan and Utility Implementation Plan acceptable to the City of Leesburg. Prior to removal, renovation or demolition of any existing development on the site, the permittee shall provide:
- 1) A detailed site plan demonstrating no direct discharge of stormwater runoff generated by the development into any natural surface waters or onto adjacent properties.
  - 2) A detailed site plan indicating all provisions for electric, water, sewer, and natural gas in accordance with the site plan review process as required by the City of Leesburg Code of Ordinances.

7. TRANSPORTATION

- A. Development of the property, if applicable, may require a traffic review by the Lake-Sumter Metropolitan Planning Organization.

8. LANDSCAPING AND BUFFER REQUIREMENTS

- A. A setback buffer area of approximately 200 foot width shall be required along the northern property line and 250 foot width on the southern property line between the personal moto-cross training track and the adjacent proposed residential development.
- B. A six (6) to eight (8) foot high landscaped buffer mound maybe required by staff as per Sec.12 OPERATIONAL REQUIREMENTS C. if necessary for noise reduction to residential standards of 65-70 dB(A) and Exhibit E.

10. OPERATIONAL REQUIREMENTS

- A. The applicant shall not, in the course of conducting any activity, make or cause to be made a noise//vibration/dust disturbance which disturbs, destroys, or endangers the comfort, health, peace, or safety of others within any residential districts. Without limitations, the commission of one or more of the acts enumerated in this paragraph shall be deemed a violation of this PUD Conditions.
- B. The applicant shall be subject to Section 12-19 Regulation of Public Nuisances of the City of Leesburg Code of Ordinances, and to the Power Acoustics, Inc. Sound Measurements study as provide in Exhibits F and G.
- C. The operation of the personal moto-cross training track shall be restricted per these PUD Conditions if such operation produces excessive, unnecessary, unreasonably loud noise or disturbance, or any noise or disturbance which disturbs, destroys, or endangers the comfort, health,

peace, or safety of others beyond the boundary of their property. Recurring formal written complaints received from multiple complainants in residential areas related to noise or other disturbances emanating from the operation shall be reviewed by City staff to determine compliance with PUD Conditions. If conditions are determined to be a violation, the owner shall have thirty (30) days to demonstrate that adequate measures, such as a six (6) to eight (8) foot high berm, have been taken to alleviate the source of the disturbance which gave rise to the recurring complaints. If in the opinion of the Community Development Director, the disturbances have not been corrected, the owner will be scheduled for the next available Planning Commission meeting to determine the appropriate action necessary to alleviate the disturbance and/or shall be scheduled through Code Enforcement for a hearing..

- D. The operation of the personal moto-cross training track shall be restricted to between the hours of 9:00 a.m. and 2:00 p.m. per the Training Schedule EXHIBIT D. Additional hours of operation may be approved as a Personal Appearance before the Planning Commission after one year of operation based on evidence during that year that operational requirements of this section have been complied with.
- E. The addition of ultra-low noise silencers/mufflers shall be installed and maintained on all practice motorcycles as referenced in the Acoustical Analysis by Power Acoustics, Inc.

Bill Wiley stated that the surrounding properties are still zoned PUD. Planned Unit Developments have time periods to vest into. Because of the economy change, none of them were vested in the required time period to allow them to move forward. If they don't substantially move forward with the development, they need come back to the Planning Commission to extend the time period, or request another zoning.

Mr. Wiley said that Blake Baggett is the National Motocross Champion and this property will be used for a private motocross training facility. Mr. Wiley pointed out Exhibit D which indicated the Personal Training Schedule. If this training schedule is violated, then the applicant is violating the PUD conditions, which could result in them coming back before the Planning Commission and/or action by Code Enforcement. Mr. Wiley did point out that there is a maximum practice schedule of three days during the week, but the days might change due to the weather conditions.

Mr. Wiley also indicated that, according to Section 12-19 Regulation of Public Nuisances, if four complaints are received within a six month period that will represent evidence of a complaint.

Exhibit G is the Power Acoustics Inc. sound measurement report. Bill Wiley and Dan Miller did a site visit in the Clermont area to experience what on-site noise would be generated from this type of activity. Bill Wiley pointed out from the Power Acoustics Inc report, "the typical instantaneous (fast response) A-weighted sound level was measured/observed to be 65 dB(A) at a distance of approximately 43 meters (141 feet)." Mr. Wiley stated that the daily sounds levels of 65 dB(A) is an acceptable level of sound. With the anticipated berm of 5 to 6 feet, the sound would be reduced by 5 to 12 dB(A). Mr. Wiley said that he didn't think that the berm would be necessary, but the option is certainly there if necessary.

Tom Baggett, the applicant, said that he wanted the local residents to know that they do take the sound concerns seriously. They want to be the best neighbors. After looking at different areas, they decided on Leesburg, and did a full study on sound to make sure they were within the codes. He said that a lot of people don't know about sound or sound levels. A talking level is 65-70 dB(A), and a lawn mower level is 85-90 dB(A). He said that the motorcycle industry is changing in that over the years, the sound measures are being brought down lower and lower. Mr. Baggett also said that they are not really around a lot. They are on the road constantly and they are gone every weekend.

Commission Lukich asked how the access to the property will be controlled if no one is there. Mr. Baggett answered that there will be someone there full-time.

Mr. Wiley wanted to clarify that the sound level report for the site visit he went on does not include the silencer device that is now required to be put on mufflers for motocross bikes. He said that would lower the sound level even more.

Commissioner Lukich asked what, in the future, would they need to come to the Planning & Zoning office for. Mr. Wiley answered that they would need to come to the Planning & Zoning office for a site clearing permit because they'll be moving dirt around. P&Z will also have to see what they'll be doing for drainage. They city cannot provide utilities to it because of its location, and it will use a well and septic tank.

Commissioner Bowersox asked if there were plans to develop the property into a residential area, and how this project would impact the future development down the road. Mr. Wiley answered that he didn't think there would be an impact on it. They are planning on putting a house on it, and it's not too different than if there were agriculture uses on the property. Mr. Baggett said that he is trying to direct him in the correct way by encourage him to get land. Mr. Baggett said that the city is getting more than Blake having a track there. They want to help the City out as well.

Rae Ann Palmer, owner of the property to the south, stated that the motocross tracks will be the closest to her house and cattle and horses. She was there when they did the sound test and it did not affect the horses or cattle at all. She is "for" the track being there.

Commissioner Lukich wanted to clarify if it was a 300 foot buffer on the south end. Mr. Wiley stated that the buffer would be 250 feet.

Julian Martin, for Zellwood properties, stated that he is representing long-term agriculture. He said that this property was bought in 1957. He is concerned with the potential use. In 2006, Greg Beliveau was asked to plan a Boulevard for this property. He does believe that the proposed use would spook the cows. He said it puts a burden on the now and in the future with the potential homes. Mr. Martin suggested building a berm, now. He also inquired if the ordinance would allow the owner to sell to the next generation of racers.

Commission Bowersox asked Mr. Baggett if the use would be ongoing for racing. Mr. Baggett answered that he raced, his son is racing, and he hopes his son's son will race too. He mentioned that he hoped everyone would understand about the sound.

Mr. Wiley mentioned for clarification, the property to the North is heavily wooded. The separation and the woods would certainly have an impact on the noise.

Commission Coleman commented that is would be an hour of racing with a 10 minute warm-up, most of the trees on the property are gone, and if they do decide to sell the property it would be to the highest bidder.

Carol Cato asked about the people who may want to come in and observe. She is also a conservationist and has concerns about the tortoises and wildlife that are on the property. Attorney Morrison asked, living in The Villages, if she owns property near the subject property. Ms. Cato stated that she did. Mr. Wiley reiterated that it would be a private training facility and that there will only be a maximum of three motorcycles on the track at once, three days a week. Commissioner Townsend asked, regarding the wildlife, when she is out to her property if she has observed anything. Ms. Cato answered that she has seen bobcats and sand cranes.

Mr. Wiley stated there are no regulations for people riding four wheelers etc. on nearby properties in the county zoned agricultural, and they can certainly ride for more than one hour a day.

Rae Ann Palmer reiterated that she is the only one that lives around the subject property. She also stated that animals come and go and roam throughout all of the properties.

This was the end of the discussion and the voting then took place.

**Commissioner Clell Coleman made a motion to APPROVE case # PUD-13-13 – B & B RANCH – PLANNED DEVELOPMENTS REZONING APPLICATION. Commissioner Don Lukich SECONDED the motion which, PASSED by a unanimous voice vote of 7 to 0.**

## **DISCUSSION ITEM**

Commissioner Coleman stated that he would not be at the next meeting.

## **ANNOUNCEMENTS**

The next scheduled meeting date is April 18, 2013.

The meeting adjourned at 6:41 p.m.

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James Argento, Chairperson

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Clell Coleman, Vice Chairperson

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Dianne Pacewicz, Administrative Assistant II